IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 29451 of 2007(F)

PETITIONER:

MUHAMMED ALI, S/O KUNHALAN HAJI,
AGED 57 YEARS, VALIYADI HOUSE,
MANNARKKAD COLLEGE P.O., MANNARKKAD,
PALAKKAD DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

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1. THE KERALA WAKF BOARD,
ERNAKULAM, REPRESENTED BY ITS
SECRETARY, ERNAKULAM, KOCHI-31.

2. THE SECRETARY,
JAMIYA NOORIYA ARABIC COLLEGE,
PATTIKKAD, MALAPPURAM DISTRICT.

BY ADV. SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 29451/2007

Dated this the 19th day of October, 2007

JUDGMENT

The prayer made in this writ petition is to direct the respondents 1 and 2 to take over the entire properties covered under Ext.P1 Wakf Deed and also to accept the profits of usufructs from the petitioner forthwith. Petitioner is also seeking several other reliefs allegedly for the preservation of the Wakf properties. Essential prayer is that the Wakf Board should take over the assets of the second respondent.

2. Learned counsel for the Wakf Board enters appearance and submits that Ext.P4 representation is addressed to the Enquiry Commissioner and not to the Wakf Board. Counsel also submits that if a request is made to the Wakf Board, they would take action by making necessary enquiries and do what is necessary in accordance with the provisions of the Wakf Act.

3. In that view matter, this writ petition is disposed of with the following directions:-

The petitioner shall make an appropriate application to the first respondent requesting to take over the

properties and other assets of the second respondent, in which event the first respondent shall take necessary action on the said application made by the petitioner. Before orders are passed, notice shall be given to the second respondent and other affected parties. On receipt of such representation as above, first respondent shall also consider as to what is the best manner in which property of the second respondent can be protected.

ANTONY DOMINIC
Judge

mrcs